

UNITED STATES DISTRICT COURT

for the
Middle District of AlabamaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The premises located at 788 Trussell Road, Hartford,
Alabama 36344

Case No.

1:20mj163-SRW

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment Alocated in the Middle District of Alabama, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
21U.S.C. § 841 (a)(1)Offense Description
Unlawful Distribution of a Controlled SubstanceThe application is based on these facts:
See attached affidavit incorporated herein by reference and made part of this application.☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Erik Broten, TFO, DEA

Printed name and title

Sworn to telephonically before me and signed on:

Date: 07/07/2020

/s/ Susan Russ Walker

Judge's signature

City and state: Montgomery, AL

Susan R. Walker, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

IN THE MATTER OF THE SEARCH OF
THE PREMISES LOCATED AT 788
TRUSSELL ROAD, HARTFORD,
ALABAMA 36344

Case No.

1:20mj163-SRW
UNDER SEAL

**AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR A SEARCH WARRANT**

I, Erik Broten, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant to search a residence, located at 788 Trussell Road, Hartford, Alabama 36344, including all structures, storage facilities, and other artifices located at that address, as well as all electronic devices located at that address, in order to seize fruits, instrumentalities, and evidence related to possible violations of 21 U.S.C. § 841(a)(1).

2. I am a Narcotics Investigator employed by the Dothan Police Department and have so been employed since July 17, 2012. I have been assigned to the VICE Division since June 3, 2019. I am also assigned to the Drug Enforcement Administration (DEA) Tactical Diversion Squad since February 2020. Prior to being assigned to the VICE Division, I was assigned to the Criminal Investigations Division since August of 2014 and worked various crimes to include murder, robberies, kidnappings, rapes, and various forgery cases. In November 2012, I attended a 480 hours course through Alabama APOSTC where I received training regarding building searches, drug enforcement, vice operations and violent crimes.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that violations of 21 U.S.C. § 841 have been committed by Richard Allen Strickland. There is also probable cause to search the premises described in Attachment A for evidence of these crimes further described in Attachment B.

JURISDICTION

5. This Court has jurisdiction to issue the requested because the property to be searched is located within the district. See Fed. R. Crim. P. 41(b)(1).

RELEVANT PROVISIONS

6. Based on my training and experience, and the training and experience of other DEA diversion investigators, special agents, and other law enforcement officers, I know that:

- a. Title 21, United States Code, Section 841(a)(1) makes it unlawful for any person knowingly or intentionally to distribute or dispense a controlled substance except as authorized by that subchapter.
- b. Pursuant to Title 21, United States Code, Section 822(a)(1) and (a)(2), and 21 C.F.R. § 1301.11 and other regulations, a person who distributes or dispenses any controlled substance, or who proposes to dispense any controlled substance, must obtain a registration from the DEA every three years.
- c. Under 21 C.F.R. § 1306.11, a pharmacist may dispense directly a controlled substance listed in Schedule II, that is a prescription drug as determined under section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)), only pursuant to a written prescription signed by a practitioner.

- d. The only exception to 21 C.F.R. § 1306.11 is in the case of an emergency situation. In such an emergent situation, a pharmacist may dispense a controlled substance listed in Schedule II upon receiving oral authorization of a prescribing individual practitioner if (1) the quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period, and (2) the prescription shall be immediately reduced to writing by the pharmacist.

PROBABLE CAUSE

7. I know, from the investigation described below, that Richard Allen Strickland is currently a pharmacist licensed by the state of Alabama and practicing in Dothan, Alabama. From my investigation, I know that Strickland is the owner of Allen's Pharmacy located at 1518 W. Main Street, Suite #2, Dothan, Alabama 360301.

8. I have reason to believe that located at 788 Trussell Road, Harford, Alabama 36344, there is evidence of unlawful drug distribution.

9. On November 15, 2019 the Dothan Police Department Narcotics Division received an anonymous tip regarding two subjects who were providing controlled substance prescription medications to individuals from Allen's Pharmacy, 1518 W. Main Street Suite #2, Dothan, Alabama, without a prescription to other unknown subjects to turn around and sell the medication on the street. No further information was obtained at that time.

10. On June 8, 2020 a Confidential Source, herein after referred to as CS1 came forward with information regarding Allen's Pharmacy. CS1 stated Richard Allen Strickland owns Allen's Pharmacy and distributes pills to others without a prescription, who in turn distribute the medication within the Wiregrass area. CS1 stated Strickland sells various types of Schedule II Controlled Substances such as: Percocet, Oxycodone, Roxicodone and

Hydrocodone. CS1 stated Strickland will go to another room in the pharmacy and come back out with an unmarked pill bottle with the medication. CS1 has been present and has observed Strickland distribute pills from the pharmacy. CS1 has observed Strickland obtain pills from a room in the pharmacy. CS1 stated Strickland commonly provides pills to his distributors on consignment, receiving payment for the pills on a later date. CS1 stated Strickland holds a drug ledger within the pharmacy containing a list of distributors to include the amount of pills the distributor has purchased and money owed. CS1 stated Strickland contains the drug ledger in the top drawer near the cash register. CS1 provided a list of names of individuals who are selling pills for Strickland.

11. On June 9, 2020, Kenneth Green with the Drug Enforcement Agency (DEA) Diversion Unit conducted a database search of all the orders of controlled substances coming to the pharmacy from 01/21/19 to 03/30/20. Green stated the search indicated Allen's Pharmacy has ordered 18,900 DU's (Dosage Units) of various Oxycodone Products and has only dispensed 8,254 DU's during the same time frame which is a 10,646 DU discrepancy.

12. On June 30, 2020, a second Confidential Source, herein after referred to as CS2, was interviewed and provided information regarding Allen's Pharmacy. CS2 stated he/she has been distributing pills for Strickland. CS2 stated he/she goes to Allen's Pharmacy, 1518 W. Main Street Suite #2, several times a week to purchase Schedule II controlled prescription medications from Strickland. CS2 stated he/she always purchases the pills from Strickland inside the pharmacy. CS2 stated once Strickland is given the money, he places it in the drawer just under the front counter where the cash register is. CS2 stated Strickland then keeps track of what everyone owes him in a notebook that he keeps in the same drawer as the cash he is given, also noted by CS1. CS2 stated Strickland receives shipments of medications in the mail by various

mail carriers, Federal Express, UPS, and the United States Postal Service. CS2 stated after those shipments arrived, he/she would call Strickland and Strickland would tell he/she to come to the store because he had "C2's" available. CS2 stated when Strickland says "C2's", he is referring to Schedule II Controlled Substances. CS2 stated Strickland has at least two firearms inside the business, a pistol near the front counter and a long gun in his office near his book bag.

13. On July 1, 2020, CS2 conducted a controlled phone call to Strickland to establish a time to go to the pharmacy to purchase Controlled Substances. This call was recorded. The following is based on my review of the recording. Strickland told CS2 he was trying to get ahold of the Controlled Substances. CS2 asked Strickland if it was okay for he/she to come see him and Strickland advised it was.

14. Later that day, CS2 was given Official Advanced Funds to purchase Schedule II Controlled Substances. CS2 went to Allen's Pharmacy, 1518 W. Main Street Suite #2, and conducted a controlled purchase of (170) controlled medications without a prescription. Law enforcement attempted to audio and video record the entire encounter but due to technical difficulties, only portions of the encounter were audio and video recorded. The following is based on my review of the recordings and debriefing of CS2. These medications included (140) Oxycodone (Schedule II) and (30) Buprenorphine pills (Schedule III). CS2 gave Strickland the Official Advance Funds in exchange for the medications. Strickland provided the pills in (3) separate unmarked green pill bottles. CS2 stated Strickland wrote in the above mentioned notebook the pills he gave CS2. CS2 stated Strickland took possession of the Official Advanced Funds and placed it in the top drawer at the front counter of the pharmacy. During the controlled purchase Strickland talked about ordering Fentanyl patches from Peru and that he could make \$10,000 in cash from selling them.

15. On July 3, 2020, CS2 conducted a second controlled phone call to Strickland to establish a time to purchase more Schedule II Controlled Substances. This call was recorded. The following is based on my review of the recording. Strickland advised CS2 he was trying to get the numbers right in regards to his Schedule II Controlled Substance inventory. CS2 asked if he/she could come to the pharmacy and Strickland told him/her that he does not have very many pills to give but that he/she can still come to the pharmacy.

16. Later that day, CS2 was given Official Advanced Funds to purchase Schedule II Controlled Substances. CS2 went to Allen's Pharmacy, 1518 W. Main Street Suite #2, and paid Official Advanced Funds in exchange for (14) Hydrocodone pills (Schedule II) without a prescription. Law enforcement arranged for the encounter to be audio and video recorded. The following is based on my review of the audio and video recording as well as my debriefing of CS2. CS2 stated the same as the first controlled purchase, Strickland went into the back room and came back out with an unmarked green pill bottle containing the pills. CS2 stated the U.S. Currency used to purchase the pills was placed in the top drawer by the cash register by Strickland. CS2 stated Strickland wrote down the number of pills that was given out in the above mentioned notebook that is kept in the front drawer where the cash is kept.

17. CS1 stated that he previously worked closely with Strickland and he knew that Strickland would take the cash from his illegal medication sales at Allen's Pharmacy and put them in a book bag at the end of the day. CS1 further stated that Strickland would take the book bag with the money to his home each day and leave the money at his home.

18. Based on the information provided by LETS (Law Enforcement Tactical System), Strickland has a residential address of 788 Trussell Road Hartford, AL 36344. On July 1st, 2020 at approximately 10:00 PM, Cpl. Krabbe and I conducted physical surveillance on the

address listed above. During the surveillance, Krabbe and I observed a Gray Toyota Tundra parked in front a white mobile home at 788 Trussell Road. Strickland has a 2008 Gray Toyota Tundra registered to him and has been seen driving it on numerous occasions.

19. I know based on my training and experience that persons involved in the sales of illegal drugs will often arm themselves with weapons for protection against persons who would attempt to commit robbery or theft against them.

20. I know based on my training and experience that persons who possess and sell illegal narcotics will frequently store the drug(s) on their person, in their vehicles, at their residences, or other storage facilities near their residences or under the control of traffickers.

21. I know based on my training and experience, that drug dealers often maintain books, records, receipts, notes, ledgers, and other papers relating to the transportation, ordering, sale, and distribution of narcotics and that such documents may be in code. These traffickers will often provide illegal drugs to their clients before purchase, and the traffickers keep records of such transactions. In addition, the above referenced books, records, receipts, notes, ledgers, etc., are usually found where the traffickers have quick access to them, including their persons, residences and/ or businesses, garages, storage units, safes, briefcases, vehicles, etc.

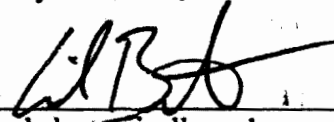
22. I know based on my training and experience that these persons will often conceal in and around their residences illegal drugs, large amounts of currency, financial instruments and other items of value and/ or proceeds of drug transactions; and evidence of financial transactions relating to the obtaining, transferring, secreting, or the spending of large sums of money made from engaging in narcotics trafficking activities. Drug traffickers commonly maintain addresses or telephone numbers in books or papers which reflect the names, addresses and/ or telephone numbers of their associates in the drug trafficking organization, their customers and drug

sources, and that such documents may be in code. Further drug traffickers often take or cause to be taken photographs of themselves, their associates, their property, and/ or their assets. These traffickers often maintain these photographs in their residences.

CONCLUSION

23. Based on the above and forgoing facts and information, I request that the Court issue the proposed search warrant.

Respectfully submitted,



Subscribed electronically and sworn
to telephonically on July 7, 2020.

Erik Broten
Task Force Officer
Drug Enforcement Agency

Sworn to before me this
7th day of July, 2020.

/s/ Susan Russ Walker

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE